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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,676	01/22/2002	Daniele Cerruti	METRO390US	5203

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EXAMINER

STINSON, FRANKIE L

ART UNIT PAPER NUMBER

1746

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,676

Applicant(s)

CERRUTI ET AL.

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 21-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-16 and 32-37 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 6 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 6, line 4, the phrase "said dosing chamber" is without proper antecedent basis. This is also applicable to the phrase "said magnetic element" in claim 18, lines 1-2. For purposes of examination however, it has been assumed that claim 6 depends from claim 5 and claim 18 depends from claim 17 since these claims (5 and 17) would provide proper antecedent basis.

2. Claims 21-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 21, 2004.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8 and 10-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Torterotot, Gilmore, Halverson, Reynolds, Miller, or Halsey et al.

Re claim 1, for example, note that there is disclosed a dispensing device for dispensing material, said dispenser having at least a tank (not shown in Torterotot but see col. 3, lines 21-25; 96 in Gilmore; 12 in Halverson; 15 in Reynolds; 8 in Miller; 12 in Halsey), containing the material and an arrangement for dispensing a dose of said material, said arrangement comprising: a passage adapted to put the inside said tank in

communication with a discharge outlet (46 in Torterotot; 102 in Gilmore; 68 in Halverson; 24 in Reynolds; 12 in Miller; 27 in Halsey) for said agent; first plugging means (40a in Torterotot; 58 in Gilmore; 64 in Halverson; 22 in Reynolds; 54 in Miller; 32 in Halsey) acting on said passage and capable of taking first position (closed or blocking), which the material cannot reach said discharge outlet, and a second position (opened or unblocked), which the material is able to reach said discharge outlet; actuating means producing actuation of said first plugging means, and comprising safety or control means (32a in Torterotot; 10 in Gilmore; 44 in Halverson; 17 in Reynolds; 50 in Miller; 31 in Halsey) operative along said passage for preventing material down flow from said tank to said passage, independently from the position state of said first plugging means. As for the intended use of dispensing liquid washing agents as recited in the preamble, please note that the preamble has not been given the weight of a limitation since it fails to life and breath to the body of the claim (see MPEP, 2111.02). Re claim 2, Torterotot, Gilmore, Halverson, Reynolds, Miller, and Halsey, each disclose the safety means/plug preventing down flow as claimed. Re claims 3 and 4, note the safety means/plug upstream as claimed. Re claim 5, Torterotot, Gilmore, Halverson, Reynolds, Miller, and Halsey each disclose the dosing chamber as claimed. Re claim 8, Torterotot, Gilmore, Halverson, Reynolds, Miller, and Halsey each disclose the first operating condition (closed or blocked) and second operating condition (opened or unblocked). Re claim 10, Torterotot, Gilmore, Halverson and Reynolds, disclose the second plug being completely immersed with the actuating means outside the dosing chamber. Re claim 11, Gilmore, discloses the first and/or second plug being made of

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ferromagnetic material (100 and 88). Re claim 12, Torterotot, Gilmore, Halverson, Miller and Halsey discloses the first and second actuation means. Re claim 13, Reynolds discloses the sole actuator mechanism being adapted to produce actuation of said first and second plugging means at different times. Re claims 14, since the term "slow" relative at best, all of the applied references may be described as *slow*. Re claim 15, Gilmore discloses the solenoid. Re claim 16, Gilmore disclose the core.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torterotot, Gilmore, Reynolds, Miller, or Halsey et al. in view of Carson.

Claim 19 defines over the applied prior art only in the recitation of the vent. Cason is cited disclosing in a dispensing arrangement, venting means a claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Torterotot, Gilmore, Reynolds, Miller, or Halsey, to include valve means as taught by Carson, for the purpose of preventing the tank being barometrically locked.

7. Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Boothe et al. or Harvey et al. in view of Torterotot, Gilmore, Carson, Reynolds, Miller, or Halsey et al.

Re claims 32 and 34, Boothe and Harvey are each cited disclosing a dispensing device of washing agent from a dosing chamber that differ from the claims only in the recitation

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of the passage, plugging means and actuator as claimed. Torterotot, Gilmore, Carson, Reynolds, Miller, or Halsey et al. are all cited disclosing the passage, plugging means and actuator as claimed (see paragraph 4 above in reference Torterotot, Gilmore, Reynolds, Miller and Halsey above and note in Carson the first plug 40, safety means/second plug 30 and actuator 60). It therefore would have been obvious to one having ordinary skill in the art to modify the dispensers of either Boothe or Harvey, to be as taught by Torterotot, Gilmore, Carson, Reynolds, Miller, or Halsey, since Booth (see col. 5, lines 48-51) and Harvey (see col. 2 lines 34-38 and lines 63-66) disclose that other types of dispenser may be employed. Re claim 33, 35 and 36, Torterotot, Gilmore, Carson, Reynolds, Miller, or Halsey disclosed the operation conditions as claimed. Re claim 37, Boothe and Harvey disclose the washing machine.

8. Claims 6 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 17-20 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Leggett, Bazarnic, Ogden et al. and Perakis et al., note the dispensing means

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is

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(571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls



FRANKIE L. STINSON
Primary Examiner
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